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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,536	11/01/2001	Mark C. Buckley	CKS5042.26A	7359

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12/18/2003

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EXAMINER

LA, ANH V

ART UNIT	PAPER NUMBER
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2636

6

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,536

Applicant(s)

BUCKLEY, MARK C.

Examiner

Anh V La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 and 41-46 is/are rejected.
- 7) ☒ Claim(s) 40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 10-14, 19-22, 27, 29, 30, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Holce.

Regarding claim 1, Holce discloses a magnetic contact apparatus for use with an alarm system comprising a sensor unit 20, and means associated with the sensor unit for indicating an alarm condition if a magnetic actuator 22 is moved outside an actuation zone or if a magnetic field from a source other than the magnetic actuator is brought into the actuation zone after the magnetic actuator is brought into the actuation zone.

Regarding claim 10, Holce discloses a magnetic contact apparatus for use with an alarm system comprising a logic circuit to indicate an alarm condition if a magnetic actuator 22 is moved outside an actuation zone or if a magnetic field from a source other than the magnetic actuator is brought into the actuation zone after the magnetic actuator is brought into the actuation zone.

Regarding claim 19, Holce discloses a magnetic contact apparatus for use with an alarm system comprising a logic circuit (fig. 8), at least five magnetically actuated switches 40 (column 3, lines 25-35), a magnetic shield 78, at least two of the switches configured to be actuated and complete the logic circuit when a magnetic field is within the activation zone, the circuit configured to be broken if either of the two switches is

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deactivated or if any of the other switches are activated wherein breading of the logic circuit is indicative of an alarm condition.

Regarding claim 27, Holce discloses a magnetic contact apparatus for use with an alarm system comprising a sensor unit 20, a common conductor, an alarm conductor and a guard conductor (col. 3, lines 25-35, figures 2-5), at least five magnetically actuated switches 40 (column 3, lines 25-35), each switch having an activated state and a deactivated state, wherein at least two of the switches are adapted to be placed in an activated state in response to a magnetic field of predetermined flux density and an alarm condition is indicated if any one of the two switches is deactivated or if any of the other switches is activated after the two switches are activated.

Regarding claims 2, 11, Holce discloses at least five magnetically actuated switches 40 (column 3, lines 25-35), a magnetic shield 78, and a logic circuit (figure 8).

Regarding claims 3, 12, 20, Holce discloses a magnetic actuator 22.

Regarding claims 4, 13, 21, 29, Holce discloses two permanent magnets 92 having a predetermined magnetic flux density.

Regarding claims 5, 14, 22, 30, Holce discloses at least one of the at least five switches being positioned between the two magnet and the magnetic fields of the magnets opposing each other so as to not actuate the switch (figures 3-5).

Regarding claim 32, Holce discloses a magnetically permeable shield 78.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9, 15-18, 23-26, 28, 31, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holce in view of Burkett.

Regarding claims 6-7, 15-16, 23-24, 31, 33, Holce discloses all the claimed subject matter as set forth above in the rejection of claim 5, but does not disclose at least two switches being placed in a position outside the field of predetermined flux density and being not actuated by the field (claims 6, 15) and three switches being spaced in a row along the length of the sensor unit and the switches at each end of the row being actuated when the actuator unit is placed in proximity to the switches and the middle switch remaining in a deactivated state (claims 7, 16). Burkett teaches at least two switches being placed in a position outside the field of predetermined flux density and being not actuated by the field and three switches being spaced in a row along the length of the sensor unit and the switches at each end of the row being actuated when the actuator unit is placed in proximity to the switches and the middle switch remaining in a deactivated state (see figure 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include at least two switches being placed in a position outside the field of predetermined flux density and being not actuated by the field and three switches being spaced in a row along the

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length of the sensor unit and the switches at each end of the row being actuated when the actuator unit is placed in proximity to the switches and the middle switch remaining in a deactivated state to the apparatus of Holce as taught by Burkett for the purpose of effectively monitoring the alarm condition.

Regarding claims 8, 17, 25, 34, Holce as modified in view of Burkett discloses all the claimed subject matter as set forth above in the rejection of claim 7, but does not disclose a switch being placed in parallel with the switches at each end of the row. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a switch being placed in parallel with the switches at each end of the row to the apparatus of Holce as taught by Burkett for the purpose of activating selected switches as desired.

Regarding claims 9, 18, 26, 35, Holce discloses either switch placed in parallel with the switch at the end of the row being actuated when a magnetic filed in addition to the magnetic filed generated by the actuator unit is placed in proximity to the switches.

Regarding claim 28, Holce discloses all the claimed subject matter as set forth above in the rejection of claim 27, and further discloses a logic circuit (fig. 8), but does not disclose completing a circuit whenever two switches are activated by the actuator unit and the remaining switches are in the deactivated condition. Burkett teaches completing a circuit whenever two switches are activated by the actuator unit and the remaining switches are in the deactivated condition (fig. 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include completing a circuit whenever two switches are activated by the actuator unit and the

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remaining switches are in the deactivated condition to the apparatus of Holce as taught by Burkett for the purpose of effectively monitoring the alarm condition.

5. Claims 36-39, 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holce in view of Gordon-Levitt.

Regarding claims 36-39, Holce discloses a tamper resistant magnetic contact apparatus for use with an alarm system comprising a sensor unit 20, at least five electrically interconnected magnetically actuated reed switches 40 in a logic circuit (col. 3, lines 25-35), an alarm, an actuator unit 22. Holce does not disclose the deactivation of an active switch or the activation of an inactive switch in the sensor unit is indicated of an alarm condition (claim 36), means for detecting tampering with the sensor unit (claim 37), a tamper plate having a magnet, a tamper switch, a tamper circuit (claim 38), a core section, an outer section (claim 39). Gordon-Levitt discloses the deactivation of an active switch or the activation of an inactive switch in the sensor unit is indicated of an alarm condition (abstract, col. 4, line 55- col. 5, line 25), means for detecting tampering with the sensor unit (abstract, col. 4, line 55- col. 5, line 25), a tamper plate (fig. 5a), having a magnet, a tamper switch 102, a tamper circuit (abstract, col. 4, line 55- col. 5, line 25). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the deactivation of an active switch or the activation of an inactive switch in the sensor unit is indicated of an alarm condition, means for detecting tampering with the sensor unit, a tamper plate having a magnet, a tamper switch, a tamper circuit, a core section, an outer section to the apparatus of

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Holce as taught by Gordon-Levitt for the purpose of effectively monitoring the alarm condition.

Regarding claim 41, Holce discloses a magnetically permeable shield 78.

Regarding claim 42, Holce discloses an intrusion sensing unit 22, an alarm, means for detecting tampering with the intrusion sensing unit.

Regarding claim 43, Holce discloses a tamper plate 101, a magnet, a tamper switch 40 and a tamper circuit (fig . 2-8).

Regarding claim 44, Holce discloses a core section and an outer section (figures 3-5).

Regarding claim 45, Holce discloses a tamper resistant magnetic alarm contact apparatus comprising a sensor unit 20, a tamper circuit, a logic circuit, reed switches, an alarm, an actuator unit 22, a tamper plate 101, a tamper switch 40.

Regarding claim 46, Holce discloses a core section and an outer section.

6. Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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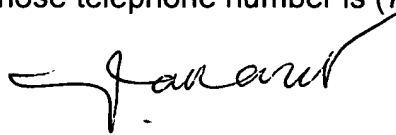
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (703) 305-3967.

The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Anh V La', with a long horizontal stroke extending to the left.

Anh V La
Primary Examiner
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AI
December 01, 2003